

IN THE UNITED STATES COURT FOR  
THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

NOV 04 2014

JAMES W. MCCORMACK, CLERK

By: \_\_\_\_\_ DEP CLERK

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

CITY OF NORTH LITTLE ROCK, ET AL., )

Defendants. )

CIVIL ACTION

No. 4:82-cv-00300-SWW

DRAFT 7/29/2014

FOR DISCUSSION

PURPOSES ONLY

**JOINT MOTION FOR PARTIAL DISSOLUTION OF CONSENT DECREE**

Come now Plaintiff United States of America and Defendant City of North Little Rock, Arkansas ("City") to move for an order partially dissolving the Consent Decree entered by this Court on April 21, 1983, as modified by the Partial Consent Decree entered by this Court on August 22, 1986 and the Joint Stipulation and Order entered by this Court on February 21, 1990 (collectively, the "Decree"). The parties seek to dissolve all remaining injunctive provisions in this case with the exception of those that involve recruitment, hiring, promotions and selections as they pertain to the City's uniformed police and fire departments.

In support of this motion, the parties stipulate to the following facts:

1. On April 26, 1982, the United States filed a lawsuit against the City alleging the City was engaged in a pattern or practice of discrimination against African Americans and women in the recruitment, hiring, assignment, and promotion of

employees in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

2. Thereafter, the parties filed a joint motion seeking approval of a Consent Decree, which was approved by the Court on April 21, 1983. ("1983 Decree")

3. On September 4, 1985, Plaintiff United States filed a Motion for Supplemental Relief pursuant to the 1983 Decree. On August 22, 1986, a Partial Consent Decree was entered by the Court settling all matters raised in the United States' 1985 Motion, except its claim concerning David Lee Brown, a former employee of the North Little Rock Electric Department. ("1986 Decree") That claim was settled pursuant to a Joint Stipulation and Order entered by the Court on February 21, 1990.

3. The Decree enjoins Defendants from discriminating against any employee or job applicant on the basis of race, sex, or national origin in the recruitment, hiring, promotion, upgrading, training, assignment, discharge, compensation, or terms and conditions of employment of any such person. 1983 Decree ¶ 1.

4. The Decree also requires Defendants to take steps related to the recruitment, hiring, assignment and promotion of African Americans and women such that long-term workforce goals are reached for all job classifications. 1983 Decree ¶ 6, Appendix B.

5. The Decree further requires that Defendants actively recruit African Americans and women and publicly advertise job openings (1983 Decree ¶¶ 13-15); develop entry-level and promotional selection procedures that do not have disparate impact on African Americans or women, or that have been validated under the Uniform

Guidelines (1983 Decree ¶ 16); and retain records and provide bi-monthly and semi-annual compliance reports to the United States (1983 Decree ¶ 22; 1986 Decree ¶ 28).

6. In determining whether to move the Court for partial dissolution of the Decree, the United States conducted an analysis of, among other sources of information: (1) extensive data produced by the City related to the City's workforce and the selection processes for various positions and job categories; (2) information produced by the City related to the policies, procedures, and practices that comprise the City's recruitment, hiring, and promotion processes; (3) data related to the relevant labor market with respect to particular positions and job categories; (4) EEOC charge data; and (5) consultation with the local United States Attorney's office.

7. Based on this and other information, the United States has determined that the City has achieved "the objectives of this Decree" with respect to the majority of its workforce. 1983 Decree ¶ 27 (providing for dissolution of the Decree).<sup>1</sup> The current composition of the City workforce substantially both meets the Decree's long-term goals and reflects the make-up of the relevant civilian labor force. Such progress has been accomplished by a combination of the City's expansion of its outreach and recruitment efforts, careful scrutiny of and modifications to its selection processes, and monitoring of its workforce demographics.

8. The Decree has been in place for more than thirty years and the United States has determined that the alleged pattern-or-practice violations of Title VII that the

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<sup>1</sup> Because the Decree provides the authority for the filing of this joint motion, the parties have not included a memorandum of law in support of the motion, as would normally be included pursuant to Local Rule 7.2.

Decree sought to remedy three decades ago for the most part have been addressed to the extent practicable. Moreover, throughout the last several years, the City has cooperated in good faith with information requests sent by the United States as part of its compliance review.

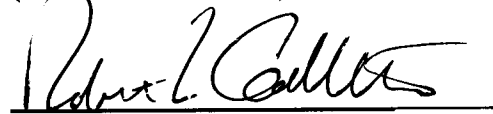
9. Upon the partial release of the City, its uniformed police and fire departments will remain under the Decree. It is the burden of the City to establish that it has achieved the long-term goals of the Decree, *see* 1983 Decree ¶¶ 4-10. It is the position of the United States that the City is still working towards achieving the goals and the basic objectives of the Decree in these two departments. To that end, the United States will continue to work with the City towards dissolution of the Decree as it applies to those remaining departments.

Accordingly, Plaintiff United States and Defendant City of North Little Rock jointly move this Court to partially dissolve the Decree.

Date: November 3, 2014

Respectfully submitted,

VANITA GUPTA  
Acting Assistant Attorney General  
DELORA L. KENNEBREW, Chief  
(GA Bar No. 414320)  
SHARYN A. TEJANI, Deputy Chief  
(DC Bar No. 456150)

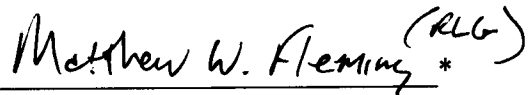


ROBERT L. GALBREATH  
(DC Bar No. 460389)  
Senior Trial Attorney  
U.S. Department of Justice

Civil Rights Division  
Employment Litigation Section  
950 Pennsylvania Avenue, N.W.  
PHB Room 4028  
Washington, D.C. 20530  
Telephone: (202) 353-9731  
Facsimile: (202) 514-1005  
Email: [Robert.Galbreath@usdoj.gov](mailto:Robert.Galbreath@usdoj.gov)

**For Plaintiff United States of America**

JASON CARTER  
City Attorney  
300 Main Street  
North Little Rock, AR 72114  
Telephone: 501-975-3755  
FAX: 501-340-5341

By:  (RLG) \*

MATTHEW W. FLEMING  
Deputy City Attorney  
Ark Bar No. 78054  
Email: [mfleming@nlr.ar.gov](mailto:mfleming@nlr.ar.gov)

*\*(Signed by filing attorney with consent)*

**For Defendant City of North Little Rock**

**CERTIFICATE OF SERVICE**

I hereby certify that on November 3, 2014, I filed an original plus two copies of the foregoing Joint Motion for Partial Dissolution with the Clerk of the Court via overnight delivery to:

James W. McCormick, Clerk of Court  
U.S. District Court Clerk's Office  
Eastern District of Arkansas  
Richard Sheppard Arnold  
United States Courthouse  
600 West Capital Avenue, Room A149  
Little Rock, AR 72201

I further certify that an additional copy was sent, via First Class Mail, to the following counsel of record:

C. Jason Carter, Esq.  
City Attorney  
City of North Little Rock  
300 Main Street – P.O. Box 5757  
North Little Rock, AR 72119

BY:



ROBERT L. GALBREATH (DC Bar No. 460389)  
Robert.Galbreath@usdoj.gov  
United States Department of Justice  
Civil Rights Division  
Employment Litigation Section, PHB  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
(202) 353-9731  
(202) 514-1005 (fax)

Attorney for Plaintiff United States of America